Denver Law Review

Volume 13 | Issue 3 Article 2

July 2021

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BAR integration, like many other recently coined terms, is but a new name for an old principle applied to present conditions. Our first colonial bar associations comprised what would today be termed an integrated bar. They were organized along the lines of the self-governing English Incorporated Law Society, and provided the sole regulation of the practice of law. The first such association seems to have been organized in New York in 1747. The Revolution and the impatience with restraint and authority which followed swept away all restrictions upon the right to practice law; for a time any citizen could appear and argue another's cause, and bar associations completely disappeared. This free and easy condition was of short duration; it speedily became intolerable, and the public interest forced the return of regulation. Regulation gradually increased with the better organization of state government, but bar associations did not reappear until about 1870, when a few lawyers again organized in New York to correct conditions felt to be grossly unethical. Since then the right to practice law, which more than any other calling affects the rights and property of the public, has been subjected to increasing regulation, and bar associations have developed correspondingly.[1] The movement towards integration began shortly after the close of the World War, and has gained great impetus in the past six or seven years. Today bar integration acts are in effect in the states of Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, New Mexico—practically all of the far western states—and in North Dakota, South Dakota, Oklahoma, Louisiana, Mississippi, Alabama, Michigan, Kentucky, and North Carolina as well. The movement is also under consideration in fourteen other jurisdictions, including Colorado.[2]

The need for a stronger organization of the bar has been presented to the lawyers of Denver before; Denver may, in

[1]Charles E. Lane, Bar Integration, Annual Proceedings of the Wyoming State Bar Association 1930-1934, page 28.

[2]Mr. Fred R. Wright of the Denver Bar; 19 Journal American Judicature Society 77, October, 1935.

fact, be said to have been a pioneer in this field. In 1920, in one of the earliest presentations ever made of this subject, Mr. Charles H. Haines of Denver read before the Denver Bar Association a paper advocating organization of the bar along the lines of the medical association. Submitted to a vote, the proposal was defeated by a small margin. In the next year South Dakota became the first state to adopt a unified state bar act, and from that time forward the movement has spread, principally in the west, becoming known as the bar integration movement. In May, 1934, it was revived in Colorado by Dean James Grafton Rogers at a meeting of lawyers at the University of Colorado, and in September, 1934, was brought before the Colorado Bar Association by Mr. G. Dexter Blount. The Colorado Bar Association determined to obtain the sentiment of the local associations before taking action, and to that end a resolution favoring bar integration was introduced at the October, 1935, meeting of the Denver Bar Association. This resolution is still under consideration, and to it this article is addressed.

Although the better and more complete organization of the bar has come to be referred to as "bar integration," this phrase suffers somewhat in that its unfamiliar and scientific terminology gives it a wholly unwarranted appearance of kinship to some new and controversial ideas of government. The word integration suggests nothing familiar to most lawyers, who passed calculus by on the other side, and this unfamiliarity makes the always cautious lawyer hesitate. It would therefore be well to find out exactly what the phrase "bar integration" means.

Webster's New International Dictionary defines "integrate" as "to unify (parts or elements) so as to form a whole; as to integrate local governments into a general government;" and "integration" as the "formation of a whole from constituent parts." It follows therefore, that bar integration means simply *the formation into one single united organization of all the elements—individual lawyers and local and state bar associations—which now comprise the bar of this state.* The term "bar integration," thus viewed, is seen to designate a simple, natural, and logical development. As

adopted in practice it will be found to introduce no elements new to our present organization except unity, universal membership, and adequate finances.

Let us now consider briefly the present organization of the Colorado Bar so that we may compare what we now have with what is proposed, and see whether our present organization is to be radically departed from. Although no living person can definitely state the names, number, and location of the lawyers now licensed and practicing in Colorado, the office of the Clerk of the Supreme Court estimates that there are approximately 1,800 lawyers practicing in this state, of whom 1,100 are located in Denver. The only organization designed to represent all these lawyers is the Colorado Bar Association with a membership of but about 600, approximately one-half of whom have fully paid all dues, including those now current. There are fourteen local bar associations, thirteen outside of Denver, with a total membership of about 400, and the Denver Bar Association, the largest, with about 600 members. About one-third of the lawyers thus belong to the Colorado Bar Association, and about fifty-five per cent to local associations. By its rule 84A, the Colorado Supreme Court has made the Colorado Bar Association an official arm of the court and has authorized it to institute proceedings in discipline. Pursuant to this authority, the Colorado Bar Association, first through its Secretary and then through its Committee on Grievances, hears and acts upon almost all charges of professional misconduct.[3] It has also long been the practice of the Supreme Court to confer with and consult officers of the Colorado Bar Association in connection with admissions and the appointment of its examining committees. Some of the county bar associations, including the Denver Bar Association, have committees on grievances, although, aside from bringing about numerous settlements, they take no action beyond making recommendations to the Colorado Bar Association. We therefore already have in Colorado a system under which the bar, at all times subject to the authority of the Court, disciplines itself and influences admissions.

[3]For a complete statement of the procedure in disciplinary matters, see address of Harrie M. Humphreys as President of the Colorado Bar Association, September, 1931, 34 Colorado Bar Association, 145, 152.

Now let us see what an integrated bar would include. It has been possible in preparing this article to examine integration acts and investigate their working in but three of the jurisdictions which have adopted this plan, Washington, Oregon, and California. These jurisdictions are apparently representative and were only selected because confidential inquiry could be there made of friends, some of them former Colorado lawyers, whose opinions, because their interest or former residence here, might have special value. Of these states, California first integrated its bar on July 29, 1927, under an act which, with its amendments and the rules and regulations adopted pursuant thereto, comprises the most elaborate and carefully worked out of the three systems. Washington adopted an exceedingly simple integration act on March 13, 1933,[4] and Oregon followed with a more comprehensive enactment on February 14, 1935. The three acts vary in detail, but all include or recognize what may perhaps be said to comprise the fundamental essentials of bar integration, namely:

1. Only members of the organized state bar can practice law.

2. Elective officers or committees of the organized state bar are in charge of admission, subject to the supervision of the Supreme Court.

3. Membership in the organized state bar can be maintained only by the payment of an annual fee, which for active members is $7.50 in California, $5 in Washington, and $3 in Oregon.

4. The organized state bar is governed by officers elected by its membership, who serve without compensation.

5. Elective officers or committees of the organized state bar hear and determine all matters of discipline and make recommendations to the Supreme Court for any necessary action.

6. An annual meeting is provided for and held.

7. A monthly publication concerning bar activities, much similar to our own "Dicta," is published.

8. Local bar associations are not interfered with.

[4]The Washington State Bar Act (Ch. 94, Washington Session Laws of 1933) includes but 15 short sections and covers but three and one-half small pages. Its extreme simplicity recommends it as a legislative model.

If all attorneys now practicing in Colorado should be united in one self-governing state-wide bar association; if all these members should pay a reasonable annual fee; if this association should publish a magazine similar to "Dicta" for the entire 1,800 members of the state bar; if disciplinary matters should be administered through the proper committees of this united organization; if the tacit influence now exercised by the bar over admissions should receive formal recognition; if such organizations as the Denver Bar Association, the Law Club, and the local bar associations should continue to function; and if all these things were done by proper legislative or judicial authority, we should have an integrated bar in Colorado. The prospect is, after all, a long way from appalling.

But it may be asked why such a move is necessary. One answer is that the bar is hard beset on every hand and must improve its organization if it is to hold its ground. Collection agencies, trust companies and banks are offering competition in fields once regarded as the special province of the bar, but they are not the only bugaboo of the lawyer. Both national and state governments have organized and will continue to organize agencies to compete with lawyers; the State Labor Commissioner and the administration of the Workman's Compensation Act are but two illustrations from our own jurisdiction. Laws have recently been passed and will probably continue to be passed which, in effect, almost prevent lawyers from appearing in certain classes of controversies. Public opinion is at present unfavorable to and impatient with our legal system; the hounds of the press have taken up the pursuit of unethical practitioners and are in full cry; J. Edgar Hoover and the G-Men are swiftly closing in on the criminal fringe. The situation simply cannot be ignored. Such part of this criticism as is true must be answered by correction and reform, and the remainder must be replied to and refuted. No one individual could meet and withstand this avalanche. That can be done only through a strong organization built up upon such democratic lines as will afford adequate defense without the destruction of our fundamental concepts of individual self-government. Lawyers have always been afraid of organization. Their work requires individual thinking, and this makes them fundamental individualists;

but whether they like it or not, they live in an age of organization, and conditions have now reached the point where they must now organize or find their functions taken over by people who will.

The defects in the administration of law, its delay and inconsistencies and its procedural deficiencies, while in a large degree the fault of laymen, are charged by public opinion to the bar, and can only be corrected by a degree of thought and continuity of purpose on the part of the profession impossible for scattered and poorly organized groups or individuals. On public legal questions in which the opinion of the bar is of value there must be some agency to obtain the consensus of the bar and to speak with authority on its behalf. One of the severest critics of bar integration demonstrated the effectiveness of bar organization when his committee put an end to the increase in abstract costs by the National Recovery Administration.[5] Mr. Harry N. Haynes of Greeley recognized the need of action by the bar when at the 1934 meeting of the Colorado Bar Association he addressed that gathering upon the need for a new or revised constitution for Colorado.

With any effective bar organization must go financial strength. The present revenue of the Colorado Bar Association is said to be about $3,500 per year, a pathetic figure if one considers the work that must be done. The combined lawyers in this state have been able to amass an old age relief fund for their needy brethren of $879.11, a striking illustration of the weakness of voluntary organization. When this financial condition is contrasted with that of the State Bar of California, which enjoys an annual revenue of $105,000, it will be seen why the integrated bar can boast of greater accomplishments.

There has been much keen and penetrating criticism of the proposal for an integrated bar, of which the all-time high-water mark was certainly reached when Mr. Vogl called it an attempt to substitute "Boetian mediocrity for scintillating omnilucence."[6] Chief Justice Hughes once said that "The first

[5]Albert L. Vogl, Chairman, Report of Special Committee on Costs of Abstracts of Title, September, 1934; 36-37 Colorado Bar Association 170.

thought in the mind of any well prepared lawyer is 'I object'," and this inherent tendency to object to and analyze any new proposal may be responsible for much of the criticism. Many of the objections, moreover, consists in attacks upon straw men which the critics have themselves created, and are directed at evils which have no existence save in their shimmering imaginations. It is attacked most seriously and with great feeling by a leading opponent as a bureaucratic imposition and just one more newfangled scheme to smother democracy; yet it is certainly not imposed by anyone, for it is the plan of the lawyers themselves, and it is just as certainly a step in the direction of democratic self-government. Without in any way criticising the Colorado Bar Association, it is hardly reasonable to contend that the functions which it performs with a membership of one-third of all the lawyers acting under their own by-laws, are essentially more democratic than the functions of a state bar which would include all lawyers acting under public law. Some natural concern is also expressed as to whether bar integration will destroy our present voluntary bar associations. Local associations flourish elsewhere under integrated bar acts, and from the viewpoint of many lawyers would be considerably improved if they should become purely social organizations. Of all the bar association meetings ever held, none could be as delightful as the meetings of the Bar Association of the First Judicial District, where every form of serious legal matter is banished and where the members spend a pleasant evening in the display of wit and friendship, in enjoying the reminiscences of the older members, and in renewing acquaintances.

It is not, however, necessary to rely upon dogmatic conclusions or opinions to determine whether or not bar integration is advisable. There is a wealth of experience in jurisdictions in no way dissimilar to ours from which empirical conclusions may be safely made.

In October, 1935, in the belief that bar integration should be defeated and that lawyers would, in states where the tyranny had been imposed, gladly help to check its growth, letters were addressed to four acquaintances in the three coast states requesting their confidential opinions on bar

integration.[7] It was a distinct surprise to receive answers all uniformly and strongly in favor of this plan. There was no dissenting vote, and this, under the circumstances, may be some evidence that bar integration meets with approval. At about the same time, in answer to further inquiries, letters were received from the president of the state bar in Washington, Oregon, and California, all indicating that the plan was a success in their states; and while it may be argued that these opinions are biased, the facts which they set forth may be safely quoted and relied upon.

Mr. Norman A. Bailie of San Francisco, a member of the Board of Governors of the State Bar of California, and one of its past presidents says that

"The last California Legislature appointed a Committee to investigate The State Bar and a very thorough hearing was had and practically all of the developments were in favor of The State Bar. In connection with the said investigation *a plebiscite of the members of the state bar was had on the question: Do you favor the repeal of the State Bar? The vote was almost three to one against repeal,* which indicates that the greater portion of California lawyers do not desire to return to the old voluntary system."

Mr. Robert F. Maguire of Portland, President of the Oregon State Bar, says that

"The first meeting of the new Bar was held in Salem on September 27th and 28th and over 500 lawyers attended, which is considerably more than 25% of the total number of lawyers practicing in Oregon. When it is realized that many of these lawyers had to travel three or four hundred miles in order to attend the meeting and that it was held in Salem, some sixty miles from Portland, the attendance was very gratifying."

Mr. L. R. Hamblin of Spokane, President of the Washington State Bar Association, says that

"We have been operating under our integrated act now since 1933 and I am confident that if you would ask any lawyer in the state concerning same his answer would be most favorable."

[7]These lawyers were Mr. Harry L. Moller, 1618 N. Las Palmas Avenue, Hollywood, California; formerly of Delta, Colorado. Mr. Abraham Asher, 701 Corbett Building, Portland, Oregon. Mr. Victor A. Montgomery, 1400 Alaska Building, Seattle; formerly of Boulder, Colorado. Mr. Louis Shela, 808 Lowman Building, Seattle, Washington.

It is therefore a fair conclusion that whatever objections may be made to integration, the plan nevertheless meets with approval from the bar, which is in some respects a more convincing argument than any amount of theorizing.

Opinions may differ in degree but cannot differ in conclusion as to the benefits to be derived from bar integration. Such opposition as has arisen in other states has not come from lawyers, but from other elements, and its basis is not the inefficiency of these associations. It is officially asserted[8] that a comparison of 77 years under voluntary associations in California with seven years under an integrated bar shows an increase in actions taken against attorneys for unprofessional conduct of 6,000 per cent. In other words, the housecleaning so insistently demanded by the public has gone forward 60 times as fast under an integrated bar as it did under voluntary organization. The lawyers in the other states heretofore referred to assert positively that unfair competition from non-legal agencies has been practically abolished by bar integration. This indicates that something positive has been added by the new form of organization.

To believe in bar integration it is not necessary to believe that the bar is corrupt, and to be ready to join the lynching party now pursuing the lawyers as part of the national frenzy against crime; we know the bar is not corrupt. Neither is belief in bar integration dependent upon opposition to banks and trust companies, or upon other special phobias, justified or otherwise. To believe in bar integration it is simply necessary to believe that the public duties now entrusted to scattered and incompletely organized groups of lawyers can be performed to better advantage by a complete organization of the entire bar of the state. If one can lend assent to that single proposition, it follows that he must favor an integrated bar.

[8]California State Bar Journal 303: December, 1935.